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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/083,422	05/22/1998	SCOTT CLARE	016325-00221	3984

21586 7590 08/14/2002

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EXAMINER

PEDDER, DENNIS H

ART UNIT	PAPER NUMBER
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3612

DATE MAILED: 08/14/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/083,422

Applicant(s)

Clare et al.

Examiner

Dennis H. Pedder

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE three MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Jul 26, 2002
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) See attached listing is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) See attached listing is/are allowed.
- 6) ☒ Claim(s) See attached listing is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on May 22, 1998 is/are a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of:

- ☐ Certified copies of the priority documents have been received.
- ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
- ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_
- ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other:

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## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the storage area width of the same as or less than the width of the wheel well, claims 85 and 49 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance. Applicant is incorrect in the statement that claims in this regard have been canceled.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 61, 62, 64-74, 109, 111, 113, 85-89, 91, 92 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 61 lacks clear antecedent for "the rear-most side door". Suggest defining --at least one forward side door--, --at least one rear side door-- and --a rear-most of one of said side doors--.

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Claim 61 is also indefinite in "configured to accommodate a wheel well adjacent each side panel", in that no structure or means are claimed to give understanding to "are configured", an open ended term not understood as a result.

Claim 85 is vague. Applicant defines an area in the claims, an area bounded by a certain width, yet the area has no structural boundary to define this width. The area may thus be merely an arbitrary portion of a larger area, that arbitrary portion being the portion used for a particular article stored in the area. Thus, one of ordinary skill in the art would not be able to determine if an access door into a van sidewall that gives access to the entire interior infringes the claim.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was

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made in order for the examiner to consider the applicability of 35 U.S.C. 103© and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 61, 62, 64, 65, 68, 70, 109, 111, 113 are rejected under 35 U.S.C. 103(a) as being unpatentable over Levy in view of McGloughlin.

Levy has forward compartment with door and rear compartment with side door and a storage compartment disposed between a rear-most one of the side doors and a rear of the vehicle. The side panel width of this type of vehicle is contoured as can be seen in figure 2, and has the same width and contour as the forward compartment as can be schematically seen in figure 1 for this type of automobile. Levy has a hinged section 1 opening a storage area 8/6/10. Levy lacks a rear door, a detail taught in the patent to McGloughlin in door 19 allowing access to a storage compartment from the rear of the vehicle. It would have been obvious to one of ordinary skill in the art to provide in Levy a rear door as taught by McGloughlin in order to allow easier access to the storage compartment.

As to claim 65, another door on the passenger side is merely an obvious duplication of parts.

As to claim 68, the storage area of Levy is above, hence over, a wheel well as is the hinged section 1, claim 70.

As to claim 109, see back wall 2 of Levy.

As to claim 111, the vehicle is considered to be a van. Alternatively, application of the teachings of Levy and McGloughlin to a van body with a short hood area are deemed to be

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obvious expedients to one of ordinary skill in this art as the invention concerns the rear end of the body, not affecting the front configuration.

As to claim 113, process steps are not given patentable weight in a product claim (MPEP 2113).

6. Claims 66, 72 are is rejected under 35 U.S.C. 103(a) as being unpatentable over Levy in view of McGloughlin as applied to claim 61 above, and further in view of Dehnel.

It would have been obvious to one of ordinary skill in the art to provide in the references above dual closures to a compartment as taught by Dehnel at 23 or 25 in order to reduce the size of the opened closure, allowing easier opening in small spaces.

As to claim 72, Dehnel teaches horizontal hinging for a side panel closure at 24.

7. Claim 73 is rejected under 35 U.S.C. 103(a) as being unpatentable over Levy in view of McGloughlin as applied to claim 61 above, and further in view of Cogo.

It would have been obvious to one of ordinary skill in the art to provide in the references above a strut 36 to retain the hinged section open as taught by Cogo to ease access.

***Allowable Subject Matter***

8. Claims 67, 69, 71, 74 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

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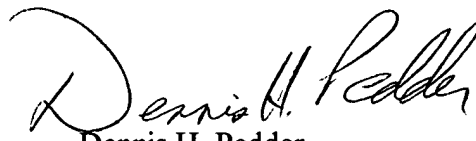
9. Claims 85-89, 91, 92 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action.
10. Claims 49-60, 93-94, 96-99, 101, 105-106, 108, 114, 116, 118-124, 126-127 are allowed.

***Response to Arguments***

11. Applicant's arguments with respect to claims 61 and those dependent therefrom have been considered but are moot in view of the new ground(s) of rejection.
12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Pedder whose telephone number is (703)308-2178. Fax amendments to expedite handling should be sent to (703) 305-7687.

DHP

August 7, 2002

  
Dennis H. Pedder  
Primary Examiner  
Art Unit 3612  
8/7/02